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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,140	09/20/2000	Joseph G. Barrett	06975-131001	5787

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EXAMINER

FLYNN, KIMBERLY D

ART UNIT PAPER NUMBER

2153

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/666,140

Applicant(s)

BARRETT ET AL.

Examiner

Kimberly D Flynn

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is in response to a response filed September 1, 2004. Claims 1-37 are presented for further consideration.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9, 13-19, 23-29, and 34-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Eichstaedt et al. (U.S. Patent No. 6,662,230), hereinafter Eichstaedt.

In considering claims 1,2, 13-16, 23-26, and 34-37, Eichstaedt discloses a method for securing an accessible computer system, the method comprising:

monitoring a computer system for connection transactions between multiple requestors (fig. 1, clients (14)) and multiple access providers using a switching component (fig. 1, gateway (22); see also col. 5, lines 37-39) connected to the multiple access providers (Eichstaedt col. 11, lines 62-67);

denying access by an attacking access requestor to the access providers when a number of connection transactions initiated by the attacking access requestor through the switching

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component exceeds a configurable threshold number during a first configurable period of time (col. 12, lines 3-20).

In considering claims 3-4 and 6-7, Eichstaedt further discloses wherein the monitoring further includes counting and comparing the number of connection transactions initiated by the access requestors through the switching component during the first configurable period of time to the configurable threshold (col. 7, lines 5-10 and lines 21-22).

In considering claims 5, 8-9, 18-19, and 28-29, Eichstaedt discloses wherein the monitoring includes detecting connection transactions between multiple Internet protocol addresses and the access providers with the switching components (see fig. 1, clients 14, gateway 22, col. 5, lines 37-39).

In considering claims 17 and 27, the aforementioned claims contain similar limitations to those limitations of claims 1 and 3-4 therefore the same grounds of rejection is applicable.

In considering claims 10-12, 20-22, and 30-33, Eichstaedt discloses that the denying of access includes denying access to the access providers through the switching component by the attacking access requestor for a second configurable period of time after detecting a most recent connection transaction initiated by the attacking requestor through the switching component (col. 4, lines 12-17).

In considering claim 36 and 37, the combined system of Cox and Watson discloses a host computer system receives communication from the switching component, which is included in a host system (see fig. 1 and col. 5, lines 23-49).

***Information Disclosure Statement***

4. The information disclosure statement (IDS) submitted on October 15, 2004 was received and considered by the examiner.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D Flynn whose telephone number is 571-272-3954. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571-272-3607).

Kimberly D Flynn  
Examiner  
Art Unit 2153

KF  
January 13, 2005

  
Dung C. Dinh  
Primary Examiner